**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE R.BASANT**

**TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929**

**Bail Appl..No. 7252 of 2007()**

**(CRIME NO.52/07 OF NEYYATTINKARA EXCISE RANGE)**

**PETITIONER/ACCUSED:**

**SAHADEVAN, AGED 50 YEARS, S/O. KOCHU KRISHNAN NADAR, P.P.XIII/334, SIVALAYAKKONAM, PALLICHAL DESOM, PALLICHAL VILLAGE, NEYYATTINKARA.**

**BY ADV. SRI.THIRUMALA P.K.MANI**

**RESPONDENTS: COMPLAINANT/STATE:**

1. **EXCISE INSPECTOR, EXCISE RANGE, NEYYATTINKARA.**
2. **STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SRI. S.U. NAZAR**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

*KSS*

**R. BASANT, J.**

**B.A. No. 7252 OF 2007**

**Dated this the 27th day of November, 2007**

**O R D E R**

Application for anticipatory bail. The petitioner faces allegations under the Kerala Abkari Act. The petitioner was allegedly found to be in possession of 5.2 litres of IMFL on 1.11.07. The petitioner is bedridden. Hence, the detecting officials could not and did not effect the arrest. The petitioner apprehends arrest any moment. He prays that directions under section 438 Cr.P.C. may be issued in favour of the petitioner.

2. The learned Public Prosecutor does not oppose the application in the peculiar facts and circumstances of the case. The learned Public Prosecutor submits that the investigator shall be satisfied if the presence of the petitioner before the learned Magistrate is ensured.

3. I am satisfied in the facts and circumstances of the case, anticipatory bail can be granted to the petitioner subject to appropriate terms and conditions.

4. In the result, this petition is allowed. Following

directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 4.12.07. He shall be released on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer as and when directed by the investigating officer in writing to do so in the peculiar facts and circumstances of the case. The investigator shall be at liberty to interrogate the petitioner at the place of residence of the petitioner.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(iv) If he were arrested prior to 4.12.07, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 4.12.07.

**(R.BASANT, JUDGE)**

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